UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *21-59* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *21-59* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *29 January 2004* is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *1/29/04*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference character(s) not mentioned in the

description: Figure 4 shows reference "30". There is no support in the specification for

Mobile Switching Center to be renumbered as "30". Applicants specification only uses

label "36" to label Mobile Switching Center. Therefore, label "30" in figure 4 should read

as "36".

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to

the specification to add the reference character(s) in the description in compliance with

37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 21-22, 25, 27-28, 30-32, 34, 38-42, 45, 47, 49-51, 53, and 57-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Heatley (7,142,895).

Regarding claim 41. Heatley teaches an apparatus for effectuating a data service in a communication system, said apparatus comprising:

a delivery mode determiner configured to associate a service delivery mode with said data service based on a request for effectuation of said data service with an intended receiving station (see figure 2 wherein Network Switching Subsystem 36 is used to determine delivery mode (i.e. item 70 figure 3) which is associated with a data service such as Short Message (item 72-1 figure 3) or email (item 72-3 figure 3) or FAX (item 72-4 figure 3)); and

a call delivery director, configured to conduct call set-up procedures and route said data service to a terminating endpoint based on said service delivery mode (see col. 7 line 14 – col. 9 line 43, figure 2 wherein Network Switching Subsystem 36 is used to conduct call set-up procedures and route SMS, email or FAX to a called terminal based on the service delivery mode (i.e. item 70 figure 3)).

Regarding claim 42. Heatley teaches the apparatus wherein said terminating endpoint is selected from the group consisting of: a intended receiving station, a terminating station, and a store and forward location (see figure 3 wherein service such as SMS, email, FAX is routed to a called mobile phone (which reads on receiving

station or terminating station) and diverted to Voice Mail (which reads on store and
forward location)).

Regarding claim 45. Heatley teaches request includes an indication of said
service delivery mode, and wherein said delivery mode determiner is further configured
to employ said indication to associate said service delivery mode with said data service
(see col. 5 lines 8-11 wherein user selects service delivery mode).

Regarding claim 47. Heatley teaches a database comprising a plurality of
database entries, each of said database entries contains a receiving station identifier
(col. 7 lines 5-64) and associated service interaction indicia; a service interaction indicia
determiner configured to determine service interaction indicia values from said
associated service interaction indicia obtained from said database based on an identity
of said intended receiving station (see figure 4 wherein different interaction indicia are
shown (i.e. divert to VM, send SMS, send FAX, send email); and wherein said call
delivery director is further configured to route said data service based on said service
interaction indicia (see figure 4 wherein if the service interaction indicia value is divert to
VM then call is diverted to VM).

Regarding claim 49. Heatley teaches a database comprising a plurality of
database entries, each of said database entries contains a receiving station identifier
and associated service interaction indicia; a service interaction indicia determiner
configured to determine service interaction indicia values from said associated service
interaction indicia obtained from said database based on an identity of said intended
receiving station; and wherein said call delivery director is further configured to generate

an acceptance request to said intended receiving station and to route said data service

based on said service interaction indicia and a response to said acceptance request, if

said service delivery mode is a foreground service delivery mode (see figure 2 wherein

database 56 is queried for user profile information shown in figure 3 wherein it is

determined type of delivery mode 70 figure 3 for the intended called station).

Regarding claim 50. Heatley teaches wherein said terminating endpoint is said

intended receiving station if said response indicates acceptance of said data service

(see col. 7 lines 48-52 wherein calls may be forwarded to mobile telephone).

Method claims 21-22, 25, 28, and 30-31 are rejected for the same reasons as

apparatus claims 41-42, 45, 47 and 49-50 since the recited apparatus would perform

the claimed method steps.

Regarding claim 27. Heatley teaches wherein said associating includes

determining said service delivery mode based on said intended receiving station or said

originating station (col. 7 line 5 – col. 8 line 67, col. 9 lines 4-43).

Regarding claim 51. Heatley teaches an apparatus to originate a data service in

a communication system, said apparatus comprising: a processor configured to

generate a data service request, wherein said data service request includes an

indication of a service delivery mode associated with said data service; and a

transmitter configured to transmit said data service request (col. 5 lines 8-11).

Method claim 32 is rejected for the same reason as apparatus claim 51 since the

recited apparatus would perform the claimed method steps.

Regarding claim 53. Heatley teaches an apparatus for receiving and processing a data service in a communication system, said apparatus comprising: a receiver configured to receive an indication of a delivery of said data service, wherein said indication includes a service delivery mode, and to receive said data service from said communication system; and a processor configured to process said data service based on said service delivery mode (col. 7 line 5 – col. 9 line 58).

Method claim 34 is rejected for the same reasons as apparatus claim 53 since the recited apparatus would perform the claimed method steps.

Regarding claim 57. Heatley teaches a data service apparatus in a communication system, said apparatus comprising:

a receiver configured to receive an indication of a delivery of a data service, wherein said indication includes a service delivery mode (see figure 3 item 70); and

a user-interface configured to alert a user of said apparatus upon receipt of said indication, and wherein said user-interface is further configured to receive a response to said alert from said user (col. 5 line 8 – col. 6 line 32).

Regarding claim 58. Heatley teaches a transmitter configured to transmit said response to said communications system (col. 5 lines 8-10).

Regarding claim 59. Heatley teaches a transmitter configured to transmit an indication of said response to said communications system (col. 5 lines 8-10).

Method claims 38-40 are rejected for the same reason as apparatus claims 57-59 since the recited apparatus would perform the claimed method steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 23-24, 26, 29, 33, 35-37, 43-44, 46, 48, 52, 54-56 are rejected under 35

U.S.C. 103(a) as being unpatentable over Heatley (7,142,895) in view of Glitho et al

(6,687,356 hereinafter Glitho).

Regarding claims 23, 33, 35, 43, 52, and 54. Heatley does not show wherein

said service delivery mode is selected from the group consisting of: a background

service delivery mode, a diagnostic service delivery mode, a maintenance service

delivery mode. Heatley allows the user the ability to select delivery mode, which reads

on a foreground service delivery mode, since foreground service delivery mode is user

specific. Applicants also defined background, diagnostic and maintenance as device

specific.

Glitho also teaches a user profile used to store delivery modes, which are both

device and user specific (title, abstract, col. 2 lines 8-67). Glitho teaches user specific

profile (i.e. foreground service) used to designate a time period during which Call

Forward Unconditional service is to be provisioned (col. 4 line 29 – col. 5 line 44, figure

4) and device specific profile (i.e. background service) used to specify policies to be

used for specific devices (col. 4 line 29 – col. 5 line 44, figure 4). For example, John

Doe has an office phone having defined service policies that invokes Call Forward No

Answer or Call Forward Busy when John Doe is not available such that calls are diverted to his mobile phone.

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the user profile as taught by Heatley to include device specific profile as taught by Glitho thereby providing a more flexible system that allows calls directed to specific devices to be diverted to another device based on the service policy of the device.

Regarding claims 24 and 44. Heatley does not show wherein said terminating endpoint is said intended receiving station if said service delivery mode is a background service delivery mode, a diagnostic service delivery mode, or a maintenance service delivery mode. Heatley teaches foreground services which is user specific but is silent with respect to device specific mode (i.e. background, diagnostic or maintenance).

Glitho also teaches a user profile used to store delivery modes, which are both device and user specific (title, abstract, col. 2 lines 8-67). Glitho teaches user specific profile (i.e. foreground service) used to designate a time period during which Call Forward Unconditional service is to be provisioned (col. 4 line 29 – col. 5 line 44, figure 4) and device specific profile (i.e. background service) used to specify policies to be used for specific devices (col. 4 line 29 – col. 5 line 44, figure 4). For example, John Doe has an office phone having defined service policies that invokes Call Forward No Answer or Call Forward Busy when John Doe is not available such that calls are diverted to his mobile phone.

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the user profile as taught by Heatley to include device specific profile as taught by Glitho thereby providing a more flexible system that allows calls directed to specific devices to be diverted to another device based on the service policy of the device.

Regarding claims 26 and 46. Heatley does not show: a database comprising a plurality of database entries, each of said database entries contains an originating station identifier and an associated service delivery mode; and said delivery mode determiner is further configured to obtain said associated service delivery mode from said database based on an identity of said originating station and employ said associated service delivery mode as said service delivery mode.

Glitho also teaches a user profile used to store delivery modes, which are both device and user specific (title, abstract, col. 2 lines 8-67). Glitho teaches user specific profile (i.e. foreground service) used to designate a time period during which Call Forward Unconditional service is to be provisioned (col. 4 line 29 – col. 5 line 44, figure 4) and device specific profile (i.e. background service) used to specify policies to be used for specific devices (col. 4 line 29 – col. 5 line 44, figure 4). For example, John Doe has an office phone having defined service policies that invokes Call Forward No Answer or Call Forward Busy when John Doe is not available such that calls are diverted to his mobile phone.

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the user profile as taught by Heatley to include device specific profile

as taught by Glitho thereby providing a more flexible system that allows calls directed to specific devices to be diverted to another device based on the service policy of the device.

Regarding claims 29 and 48. Heatley does not show service interaction indicia are selected from the group consisting of: a call-forwarding-busy, a call-forwarding-default, a call-forwarding-no answer, a call-forwarding-unconditional, and a do-not-disturb.

Glitho also teaches a user profile used to store delivery modes, which are both device and user specific (title, abstract, col. 2 lines 8-67). Glitho teaches user specific profile (i.e. foreground service) used to designate a time period during which Call Forward Unconditional service is to be provisioned (col. 4 line 29 – col. 5 line 44, figure 4) and device specific profile (i.e. background service) used to specify policies to be used for specific devices (col. 4 line 29 – col. 5 line 44, figure 4). For example, John Doe has an office phone having defined service policies that invokes Call Forward No Answer or Call Forward Busy when John Doe is not available such that calls are diverted to his mobile phone.

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the user profile as taught by Heatley to include device specific profile as taught by Glitho thereby providing a more flexible system that allows calls directed to specific devices to be diverted to another device based on the service policy of the device.

Regarding claims 36 and 55. Heatley does not show wherein said processor is further configured to not alert a user of said apparatus if said service delivery mode is a background service delivery mode, a maintenance service delivery mode, or a diagnostic service delivery mode (i.e. device specific mode).

Glitho also teaches a user profile used to store delivery modes, which are both device and user specific (title, abstract, col. 2 lines 8-67). Glitho teaches user specific profile (i.e. foreground service) used to designate a time period during which Call Forward Unconditional service is to be provisioned (col. 4 line 29 – col. 5 line 44, figure 4) and device specific profile (i.e. background service) used to specify policies to be used for specific devices (col. 4 line 29 – col. 5 line 44, figure 4). For example, John Doe has an office phone having defined service policies that invokes Call Forward No Answer or Call Forward Busy when John Doe is not available such that calls are diverted to his mobile phone.

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the user profile as taught by Heatley to include device specific profile as taught by Glitho thereby providing a more flexible system that allows calls directed to specific devices to be diverted to another device based on the service policy of the device.

Regarding claims 37 and 56. Heatley does not show wherein said receiver is further configured to receive instructions from said communication system regarding not alerting a user of said apparatus about delivery of said data service; wherein said processor is further configured to process said instructions; and said apparatus further

comprises a user-interface configured to provide data service information to and receive data service information from a user of said apparatus.

Glitho also teaches a user profile used to store delivery modes, which are both device and user specific (title, abstract, col. 2 lines 8-67). Glitho teaches user specific profile (i.e. foreground service) used to designate a time period during which Call Forward Unconditional service is to be provisioned (col. 4 line 29 – col. 5 line 44, figure 4) and device specific profile (i.e. background service) used to specify policies to be used for specific devices (col. 4 line 29 – col. 5 line 44, figure 4). For example, John Doe has an office phone having defined service policies that invokes Call Forward No Answer or Call Forward Busy when John Doe is not available such that calls are diverted to his mobile phone.

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the user profile as taught by Heatley to include device specific profile as taught by Glitho thereby providing a more flexible system that allows calls directed to specific devices to be diverted to another device based on the service policy of the device.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (**571-273-8300**).

Barry W. Taylor
Art Unit 2617

BARRY TAYLOR
PRIMARY EXAMINER

1/24/07